IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Dr.(Smt.) Rajni Mathur vs. State of Rajasthan & Ors.
(S.B.C. Writ Petition No.5402/03)

Date of Order :- 15th December, 2006

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.P.R.Mehta, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy.Government Advocate.

BY THE COURT :

The present writ petition has been filed by the petitioner Dr. Rajni Mathur with the prayer that she is entitled to get 12% interest on the delayed payment of her retiral benefits such as pension, gratuity and commutation. While she retired from service on 31st August, 2001, payment of her retiral dues was delayed so much so that such payments were made to her in the beginning of the year 2003. Learned counsel for the petitioner has relied on Rule 89 of the Rajasthan Civil Services(Pension) Rules, 1996(for short "the Rules of 1996") and argued that according to the said rule, if the payment of pensionary benefits, gratuity etc. are not paid within 60 days from the date such payment becomes due, a retired government servant is entitled to get interest @12% per annum. He

has relied upon the Division Bench judgment of this Court in Mohanlal Rajpurohit vs. State of Rajasthan & Ors., 2005(2) DNJ (Raj.) p.618 and argued that this Court in the aforesaid judgment has awarded interest @ 18% per annum. He also cited the judgment of Single bench of this Court in Vinay Kumar Sharma(Dr.) vs. State of Rajasthan & Ors, 2005(2) DNJ(Raj.) p.665 in which interest @ 12% per annum was allowed in the similar circumstances.

On the other hand, Mr.Rameshwar Dave, learned Deputy Government Advocate submitted that delay in making payment of the retiral dues of the petitioner occasioned on account of certain circumstances such as collection of "No Due Certificate" and completion of service book etc. Pension case of the petitioner was forwarded by the Joint Director(Zone), Udaipur vide letter dated 8.8.2001 and there was certain objections by the Pension Department which caused delay and which had to be removed. The delay was thus not deliberate. Mr.Rameshwar Dave, learned Deputy Government Advocate argued that the rate of interest @12% per annum by amendment dated 7.6.2004 has subsequently been reduced to 9% per annum. He has also argued that the current interest rate of the bank has even lesser than 9% and therefore the rate of interest should not be enormously high. He therefore prayed

that the payment of interest should be confined to only 9% per annum only.

Having considered the arguments of the parties, I find that the delay in payment of the retiral dues of the government servant cannot be approved of particularly when the expectation in the Rules is that all such dues should have been paid within 60 days. Any delay beyond the period of 60 days should entail the payment of interest.

It is therefore directed that the respondents shall pay to the petitioner interest @ 12% per annum for the period of delay. Such interest shall be paid to the petitioner within three months from the date of service of copy of the judgment.

The writ petition is accordingly disposed of in the aforesaid terms.

(MOHAMMAD RAFIQ)J.